

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
JOSE MONTOYA)
)

No. 2:11 CR 21

OPINION and ORDER

Defendant Jose Montoya has moved to reduce the amount of restitution he is required to pay from \$20,000¹ to \$2,000, pursuant to 18 U.S.C. §3664(k). (DE # 138.)

However, this statute provides:

[T]he defendant shall notify the court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution... Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

18 U.S.C. § 3664(k). In short, Section 3664(k) allows for acceleration of payment or adjustment of the payment schedule, not reduction of the total of amount of restitution. Accordingly, Section 3664(k) provides no basis upon which the court may grant defendant's request. Defendant's motion is **DENIED**.

SO ORDERED.

Date: June 23, 2017

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT

¹ Montoya states that this court ordered him to pay restitution in the amount of \$120,000 (DE # 138 at 1), but this is not the case (*see* Judgment, DE # 133 at 6).